SUPREME COURT, U. S.

IN THE

Supreme Court of the United States

October Term, 1969.

No. 1069.

THOMAS K. GILHOOL, et al.,
Appellants,

v.

CHAIRMAN AND COMMISSIONERS, PHILADELPHIA COUNTY BOARD OF ELECTIONS, et al.,
Appellees.

On Appeal from the United States District Court for the Eastern District of Pennsylvania.

MOTION TO DISMISS.
MOTION TO AFFIRM.

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Appellants,

v.

CHAIRMAN AND COMMISSIONERS, PHILADELPHIA COUNTY BOARD OF ELECTIONS, ET AL.,
Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

MOTION TO DISMISS.
MOTION TO AFFIRM.

MOTION TO DISMISS.

Pursuant to the provisions of Rule 16(1)(d) of the Rules of the Supreme Court of the United States, appellees move to dismiss the instant appeal on the ground that the questions presented by appellants in their Jurisdictional Statement are moot.

STATEMENT.

This is a direct appeal from the final judgment of the three-judge panel for the Eastern District of Pennsylvania entered on October 17, 1969, which judgment dismissed plaintiffs' (appellants) complaint in this case.

The matter came before the District Court on an application for a preliminary injunction, and after hearing testimony for several days, the District Court denied the application and dismissed the complaint. Pursuant to 28 U. S. C. 1253, appellants have taken the instant appeal.

ARGUMENT.

Appellants in their Jurisdictional Statement to this Court present two questions for review: (1) the constitutionality of the Pennsylvania election requirement that straight party levers must be provided on all voting machines, and (2) whether appellants were unlawfully denied a final hearing on that issue after their application for a preliminary injunction was denied.

Appellants' complaint is artfully drawn and consists of twenty-two (22) paragraphs divided into five subheadings as follows: jurisdiction, plaintiffs, facts underlying the cause of action, and allegations of law. The fifth subheading is relief, and reads as follows:

RELIEF.

"Plaintiffs will suffer irreparable harm if defendants are permitted to prepare and use ballots and voting machines to utilize straight party voting at the November special elections, for which the remedy at law will be inadequate.

WHEREFORE, plaintiffs demand

(a) that a three-judge district court be promptly convened to hear and determine this action;

(b) that the court declare unconstitutional the use of straight-party voting in the special elections for councilman from the First and Seventh Councilmanic Districts to be held on November 4, 1969;

(c) that the court grant preliminary and permanent injunctive relief preventing defendants, their agents, servants, employees and those acting in concert with them from preparing or utilizing voting machines or ballots in the November 4, 1969, special elections employing straight party lever voting for the offices of Councilman in the First and Seventh Councilmanic Districts, or from conducting the election in any other manner causing discrimination against independent can-

didates for City Council, their supporters or those voting for such candidates; and

(d) that the said court grant any other necessary or appropriate relief in the circumstances."

Thus, while the complaint requests a permanent injunction and other appropriate relief, it is obvious that the only relief requested from the District Court is relief in conjunction with the special election to be held on November 4, 1969, which election has been held and the results certified by the Philadelphia County Board of Elections.

With respect to the parties, paragraphs three and four of the complaint state that plaintiffs Gilhool and Hackett may be independent candidates at the special election on November 4, 1969. Paragraph five of the complaint states that three of plaintiff-voters (Rev. Sloan, Messrs. Floyd and Yale) are registered Democrats and "presently wish to elect Gilhool". Paragraph six of the complaint states that two of the plaintiff-voters (McCullough and Fisher) are registered Republicans and "presently wish to elect Gilhool". Paragraph seven of the complaint states that two of the plaintiff-voters (Paonessa and House) "have not yet decided for whom they will vote, and may wish to help independent candidates in the special elections who will not have received any party nomination". Paragraph eight sets forth the party-defendants.

Thus, the complaint fails to set forth, so far as the parties are concerned, any injury to any of them that will continue beyond the special election of November 4, 1969.

Finally, the complaint alleges in its Jurisdictional section that it is a suit for a declaratory and injunctive relief "in connection with special elections which will be held on November 4, 1969. . . ." Jurisdiction is predicated on 28 U. S. C. A. 1331 and 1343(3); the complaint fails to mention anywhere the Declaratory Judgment Act, 28 U. S. C. A. 2201.

Appellees submit that this case is moot under the doctrine of *Golden v. Zwickler*, —— U. S. ——, 89 S. Ct. ——, 22 L. Ed. 2d 113 (1969), where the Court held that declaratory

relief is not available where it was "most unlikely" that an actual controversy between the parties would ever rise again. The unanimous Court in *Golden* emphasized that the "allegations of the complaint focus upon the then forthcoming 1966 election. . . ." *Golden v. Zwickler*, 22 L. Ed. 2d at p. 118, and as that election was over, there was no relief which could be granted under the Declaratory Judgment Act, 28 U. S. C. A. 2201.

In the instant appeal, as in *Golden*, the complaint in terms of its allegations of jurisdiction, parties, and relief is only concerned with the special election held in Philadelphia on November 4, 1969. As that election is history, there is no substantial continuing controversy between parties having adverse legal interests, and the case is moot. *Golden v. Zwickler*, supra.

Notwithstanding the fact that appellants' complaint fails to allege any injury to any party that will continue beyond November 4, 1969, appellants rely only on *Moore v. Ogilvie*, — U. S. —, 89 S. Ct. —, 23 L. Ed. 2d 1 (1969), for the proposition that the instant case is not moot.

Appellees submit that *Moore v. Ogilvie*, supra, is not on point here for three reasons. First, the complaint in the instant case seeks only injunctive relief prior to November 4, 1969, and the complaint alleges no injury nor requests any relief for any action after that date. Second, *Moore* requested relief in the form of a declaratory judgment under 28 U. S. C. 2201 while the instant complaint requests routine equitable relief. Third, the Court in *Moore* was concerned with a rather obvious violation of its "one-man one-vote" principle, and that violation was "capable of repetition, yet evading review" because the district courts were relying on the "indistinguishable" *MacDougall v. Green*, 335 U. S. 281, 69 S. Ct. 1, 93 L. Ed. 2d 3, which upheld the Illinois voting system at issue in *Moore*. In the instant appeal, there is no problem which could not be adequately raised by a declaratory judgment suit.

That *Moore* does not govern this case is further evidenced by this Court's subsequent decision in *Brockington v.*

Rhodes, —— U. S. ——, 90 S. Ct. ——, 24 L. Ed. 2d 209 (1969). In *Brockington*, this Court unanimously dismissed as moot a constitutional challenge to the then requirement of Ohio law that an independent's nominating petition for election to the U. S. House of Representatives must contain seven percent of the qualified voters in the district. While the appeal was pending in this Court, Ohio amended her laws to require only four percent of the relevant voters on the nominating petition. The Court specifically noted that "We do not think that the recent statutory amendment has rendered this case moot." *Brockington v. Rhodes*, —— U. S. ——, 24 L. Ed. 2d at p. 212.

Rather, in *Brockington* the Court held that the case was moot on another basis: (1) the injury (i.e., failure to accept nominating petitions) was not alleged to continue beyond the date of the election (i.e., no allegation that appellants would file future nominating petitions) and no relief was sought beyond that date, and (2) the election was over.

> "Rather, in view of the limited nature of the relief sought, we think the case is moot because the congressional election is over. The appellant did not allege that he intended to run for office in any future elections. He did not attempt to maintain a class action on behalf of himself and other putative independent candidates, present or future. He did not sue for himself and others similarly situated as independent *voters*, as he might have under Ohio law. Ohio Rev. Code Ann. §2307.21 (1953). He did not seek a declaratory judgment, although that avenue too was open to him. Ohio Rev. Code Ann. §§2721.01-2721.15 (1953)." *Brockington v. Rhodes*, 24 L. Ed. 2d at p. 212. (Emphasis in original.)

Significantly, the instant complaint does not allege any injury to any appellant that will continue in the future beyond November 4, 1969. And while the instant complaint states a class action on behalf of two prospective independent candidates (paragraphs three and four); and voters who "wish" to vote for one of the two independent candidates

(paragraphs five and six), and voters who "have not yet decided for whom they will vote, and may wish to help elect independent candidates in the special elections. . . ." (paragraph seven), the complaint is *absolutely devoid* of any allegation of any injury to either prospective candidates or voters beyond November 4, 1969. Finally, the "relief" subsection of the complaint requests no declaratory relief, and the "jurisdiction" subsection of the complaint states jurisdiction rests on 28 U. S. C. 1331 and 1343(3). That is, jurisdiction was not predicated on the Declaratory Judgment Act, 28 U. S. C. 2201. Thus, the instant complaint requests no relief for any party beyond November 4, 1969.

Appellee submits that where (1) appellants request only relief with respect to a specific election, and (2) allege no facts of a continuing injury to them after that election, and (3) that election is history, then the case is moot under *Brocktington v. Rhodes*, supra.

This Court further emphasized in *Hall v. Beals*, —— U. S. ——, 90 S. Ct. ——, 24 L. Ed. 2d 214 (1969), the futility of the Court's deciding cases where its mandate can have no practical or realistic effect on the rights asserted by the parties. Thus, in *Hall*, the Court dismissed as moot a challenge to the six-month residency requirement of the Colorado election laws where Colorado had amended her laws to require only two-month residency during the litigation, and that amendment would have allowed appellants to vote in the challenged election. In holding that the case was moot, *Hall* emphasized that the relief requested was only in terms of the then forthcoming 1968 presidential election, and thus, "it is now impossible to grant the appellants the relief they sought in the District Court." *Hall v. Beals*, —— U. S. ——, 24 L. Ed. 2d at p. 217. Further, the Court stated that appellants' general objection to residency clauses did not alter the fact that the case was moot:

". . . the appellants' opposition to residency requirements in general cannot alter the fact that so far as they are concerned nothing in the Colorado legislative scheme as now written adversely affects either their present interests, or their interests at the time this litigation was commenced. Nor does the result differ because the appellants denominated their suit a class action on behalf of disenfranchised voters. The appellants 'cannot represent a class of whom they are not a part', *Bailey v. Patterson*, 369 U. S. 31, 32-33, 7 L. Ed. 2d 512, 82 S. Ct. 549, that is, the class of voters disqualified in Colorado by virtue of the new two-month requirement, a class of which the appellants have never been members." *Hall v. Beals*, , U. S. —, , 24 L. Ed. 2d at p. 218.

In the instant case, as in *Hall*, it is "now impossible" for any Court to grant the relief sought in the appellants' complaint as that complaint speaks only in terms of relief at the November 4, 1969, election. Further, as the instant complaint alleges no injury to any of the party-plaintiffs (appellants) that continues beyond November 4, 1969, it follows under *Hall* that appellants cannot represent that class (i.e., persons injured beyond November 4, 1969, assuming there are any) as appellants have not alleged that they are members of that class.

For the foregoing reasons, it is requested that the Court dismiss the instant appeal as moot.

ALTERNATIVE MOTION TO AFFIRM.

Pursuant to the provisions of Rule 16(1)(c) of the Rules of the Supreme Court of the United States, appellees alternatively move to affirm the decision of the court below for the following reasons:

1. The disposition of the instant appeal is squarely controlled by *Voorhees v. Dempsey*, 379 U. S. 648, 85 S. Ct. 612, 13 L. Ed. 2d 552 (1965).

2. The proposition that straight party levers do not violate the Constitution is patently clear, and thus the question presented is so insubstantial as not to require further argument.

STATEMENT.

Appellants in their Jurisdictional Statement present only one Constitutional issue for decision: the Constitutionality of the Pennsylvania Election Code provision that all political parties must have a party lever by means of which a voter can vote for all the candidates of that party in one operation.[1]

Appellants admit in their Jurisdictional Statement that an "informed" voter would have no confusion or problem in selecting the candidates for whom he wants to vote without regard to the presence or absence of party levers (Appellants' Jurisdictional Statement, p. 14).

Additionally, appellants do not argue that the presence of a party lever ever caused any voter to vote for a candidate *unintentionally*; rather, appellants' argument is limited to the amorphous proposition that the presence or absence of a party lever will cause a shift of voting patterns.

The mechanics of voting in Pennsylvania may be summarized as follows. The voter's ballot is "opened" when he pulls a large two-foot lever which closes the curtain behind him. Thereafter, the voter can as a practical matter do either of three things: (1) pull the party lever which automatically pushes down all the individual levers of all candidates on that party; (2) pull the party lever as described above, and then push up the individual handle(s) of candidate(s) in that party for whom he does not wish to vote, and then push down the individual handle(s) of a candidate(s) for the same office in another party for whom he intends to

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[1] 25 Purdons' Pa. Stat. Ann. Section 3010(b) provides in relevant part as follows:

> "The names of all candidates of a political party shall appear in the same row or column, and no other names shall appear in the same row or column, to the left or top of which shall be a straight party lever, by means of which an elector may, in one operation, vote for all the candidates of that political party for every office to be voted for . . ." Pennsylvania Election Code, Act of 1937, P. L. 1333, Art. XI, §1110(b).

vote; or (3) push down the handles of individual candidate(s) but never touching a party lever.

The vote is not registered until the voter pulls back the large handle to open the voting curtain. Until that happens, the voter is free to push up or down the individual levers of candidates for whom he wants to vote or not to vote. The voter could in fact pull a party lever, and thereafter reject all the candidates of that party by pushing up the individual levers of all of that party's candidates.

The "Instructions to Voters" clearly and adequately explained the voting procedure to the voters. (See footnote 6, Opinion of the Court, Appellants' Jurisdictional Statement, p. 26.)

Again, by emphasis, Pennsylvania law requires that all parties have a party lever by means of which a voter may vote for all candidates of that party in one operation. Of course, whether a party slates candidates for all open offices is a factor over which the state has no control.

ARGUMENT.

I. THE DISPOSITION OF THE INSTANT APPEAL IS SQUARELY CONTROLLED BY VOORHEES v. DEMPSEY, 379 U. S. 648, 85 S. CT. 612, 13 L. ED. 2d 552 (1965).

In *Voorhees v. Dempsey*, 231 F. Supp. 975 (D. Conn., 1964), three Connecticut voters brought an action challenging the constitutionality of the mandatory requirement of Connecticut law that a voter must pull a party lever in order to open his ballot.* See General Statutes of Connecticut, Rev. of 1958, Section 9-242. Thereafter, of course, the Connecticut voter was free to "change his vote" by pushing up the individual levers (even all of them) of candidates for whom he did not wish to vote, and pulling down the individual levers of other candidates for whom he intended to

* Under Pennsylvania law, the ballot is opened by pulling a large lever which closes the curtain.

vote. The statute was challenged in part on the ground that it "subjects independent voters to more burdensome conditions than party voters. . . ." *Voorhees v. Dempsey*, 231 F. Supp. at p. 976. In granting defendants' motion to dismiss, the three-judge district court held as follows:

> "The utilization of party levers, be they optional or mandatory, discriminates against the independent voter to the extent the latter must spend more time and effort to vote for the same number of candidates than one who votes for a straight ticket. However, there is a rational basis for this discrimination, for the party lever simplifies and speeds up the voting process for large numbers of voters. . . . We are unable to see that the slight extra effort required for an independent voter to pull a party lever and reject candidates for whom he does not care to vote constitutes such a burdensome and unreasonable discrimination that the independent voter is deprived of the equal protection of the laws." 231 F. Supp. at p. 977.

On appeal to this Court, Connecticut's (appellees) motion to affirm was granted in a Per Curiam opinion. *Voorhees v. Dempsey*, 379 U. S. 648, 85 S. Ct. 612, 13 L. Ed. 2d 552 (1965).

Appellants' attempt to distinguish *Voorhees* on the ground that the complaint there did not allege that straight-party levers "changed votes". Rather, as appellants read *Voorhees*, the case only involved the contention that straight-party levers make voting for independent candidates more time consuming and more laborious. A reading of the "Questions Presented" in appellants' Jurisdictional Statement submitted in *Voorhees* clearly reveals that the issue of change in votes was presented to the Court.[3] As the court below prop-

[3] "QUESTIONS PRESENTED

* * * * * * *

C. Whether the mandatory party lever established by the Connecticut General Statutes denies the plaintiffs their right to free selection by placing upon them mental and psychological pressure to merely and solely pull a party lever.

* * * * * * *

ctly recognized, the Pennsylvania system where the voter need never touch any party lever presents *"even less disadvantage* to the independent candidates than there was in the *Voorhees* case since any voter [in Pennsylvania] desiring to vote for such a candidate can do so by either turning the party lever at the head of the column in which the candidate's name appears or by pulling the lever which is next to his name" (Opinion of the Court, Appellants' Jurisdictional Statement, Appt. A., p. 31a). (Emphasis supplied.).

Accordingly, it is submitted that *Voorhees v. Dempsey*, supra, squarely controls the disposition of the instant appeal and the Court should grant the motion to affirm on that basis.

II. THE PROPOSITION THAT STRAIGHT PARTY LEVERS DO NOT VIOLATE THE CONSTITUTION IS SO PATENTLY CLEAR THAT THE CASE DOES NOT REQUIRE FURTHER ARGUMENT.

Appellants in their Jurisdictional Statement argue that the mere presence of a party lever gives "political" parties and their candidates an unconstitutional advantage over "independent" parties and candidates in that the voters of the former have a more simplified, convenient, and less time-consuming voting process than that required of the "independent" voters.

Appellees do not quarrel with the statement that it is easier to vote a straight-party ticket than an "independent" ticket, and this fact is so even in those states which require individual candidates of a party to be listed together but do not provide party levers.

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2. Whether the mandatory party lever established by the Connecticut General Statutes deprives independent voters of said state equal protection of the laws.

3. Whether the mandatory party lever in class legislation establishing a preferred group of voters with privileges and immunities not granted to other voters.

Appellants cite no case which remotely suggests that straight-party levers violate the Constitution. The only Federal case discussing straight-party levers, *Voorhees v. Dempsey*, supra, holds that they are constitutionally permissible.

Among the various states of the Union, at least twenty-six (26) states have election laws requiring that each party have a party lever by means of which a voter can vote for all candidates of that party in one operation. (See Appendix A.)

The Supreme Court of Pennsylvania sustained the constitutionality of straight-party levers in *Oughton v. Black*, 61 A. 346, 212 Pa. 1, 5 (1905), where the Court stated as follows:

> "The free and equal exercise of the elective franchise by every elector is not impaired by the statute, but simply regulated. A regulation for the convenience of certain electors providing that they may,—not must,—if they desire to vote a straight party ticket, vote for it by making a cross in the square opposite the name of the party of their choice is not inequality as against these complainants. They have the right to vote in precisely the same way for all of the candidates on the Municipal League ticket."

The Supreme Court of Michigan sustained the use of party levers against the contention that they provided a more convenient method of voting for some than others in *Todd v. Board of Election*, 104 Mich. 474, 62 N. W. 564, 64 N. W. 496 (1895), where the Court stated as follows:

> "The test of the constitutional freedom of elections is the freedom of the elector to deposit his vote as the expression of his own unfettered will, guided only by his own conscience as he may have had it properly enlightened. Tried by this, the only test, it cannot reasonably be said that because one voter may more quickly prepare his ballot than another the election is not free to both alike. Each votes as freely as the other, but, in

> doing so, the one who, in a spirit of independence, and in the exercise of his absolute right to be independent, makes up his own ballot, must and does consume more time than the other. This, however, is no interference with his freedom as an elector. It is the very freedom of the election that enables him to mark his ticket just as he pleases, or to make it up without regard to any name that may appear as a candidate on the ballot handed to him. This need be pursued no further and the only question to be considered is the alleged inequality of elections." 64 N. W. at p. 496.

The use of party levers against the contention that they somehow discriminate against others has been sustained in the following decisions: *Morrison v. Lamarre*, 75 R. I. 176, 65 A. 2d 217 (1949), and *Brock v. Helton*, 395 S. W. 2d 765 (Ct. of App. of Kentucky, 1965). Very clear language in other cases also upholds the use of party levers: *State v. Martin*, 24 Mont. 403, 62 Pac. 588 (1900); *State v. Wait*, 92 Neb. 313, 138 N. W. 159 (1912); and *State ex rel. Sawyer v. Neffner*, 137 Ohio St. 309, 29 N. E. 2d 515 (1940); *Cobb v. Board of Commissioners*, 155 Fla. 60, 19 So. 2d 505 (1944); *Cahir v. Cote*, 72 R. I. 188, 49 A. 2d 316 (1946); *State ex rel. Satti v. Grasso*, 27 Conn. Sup. 67, 229 A. 2d 703 (1966).

No case that appellees' research has disclosed has held or suggested that party levers violate the United States Constitution.

With respect to appellants' argument on discrimination, Pennsylvania vigorously denies that there is any discrimination present on this ballot. All parties are treated equally when each party is given its required party lever which votes for all its candidates in one operation.

Appellants rely heavily on two articles[1] to support the

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[1] Campbell and Miller, "The Motivational Basis of Straight and Split Ticket Voting", 51 American Political Science Review 293 (1957);

Walker, "Ballot Forms and Voter Fatigue, An Analysis of the Office Block and Party Column Ballots", 10 Midwest Journal of Political Science 448 (1966).

proposition that party levers somehow discriminate against independent candidates and voters. First, neither article states that any citizen votes or fails to vote for any candidate because of a party lever. Rather, the articles conclude that where a party lever is not present, the voter is more inclined to split his ticket. However, the voter intends to vote in all cases for the candidates for whom he does in fact cast his vote.

Appellants fail to mention that one authority states that the absence of party levers may result in the partial disenfranchisement of thousands of voters who intended to vote for a candidate for each open office, but through ignorance, confusion, or "fatigue" did not.

> "In a pioneering study completed in 1956 H. M. Bain and D. S. Hecock showed conclusively that no matter what ballot form was used candidates whose names were listed at the top of the ballot gained substantial advantage merely from having that position. They also demonstrated that the more complex the configuration of voting machines the greater were the number of ballots which were improperly or incompletely marked.
>
> * * * * * * * *
>
> During the last decade evidence has been gathered from survey research which demonstrates that split-ticket voting does increase when an Office Block ballot is used, but it increases among those voters least able to make informed, rational political decisions. Our analysis in this study also indicates that the Office Block ballot significantly increases voter fatigue, especially among the same poorly educated, badly informed voters who are encouraged to split their tickets. Both aggregate and individual data from several different sources all point in this direction. The more complex the design of the ballot, the greater the tendency for voters to neglect races at the bottom of the ticket." Walker, op. cit., p. 450, 462.

Finally, and what is most significant, neither article states that any voter ever declined to split his ticket because he had previously pulled a party lever.

Aside from the fact that the absence of a party lever could result in the partial disenfranchisement of a voter intending to vote for a full slate of candidates, numerous other factors might persuade a state to provide party levers: they speed up the voting process and reduce the cost of additional machines, they encourage citizens to vote by their simplicity and convenience (even on split tickets), they tend to remove possible total disenfranchisement where the voter spoils his ballot, they assure a swift and convenient method for thousands to vote for the candidates of their choice (even on split tickets), and they tend to eliminate the occurrence of jammed voting machines.

Appellants present one final argument with respect to their right to a final hearing under Fed. R. Civ. Pro. 65(a)(2). Procedurally, appellant presented numerous issues to the court below: the relationship between general and special elections under Pennsylvania law, the instructions to voters, "spatial gaps" in the ballot, etc. The only constitutional issue presented on appeal to this Court is the validity of straight-party levers. As to that issue, appellees had filed a motion to dismiss for failure to state a claim, see Fed. R. Civ. Pro. 12(b)(6), upon which the court below did not specifically pass, but rather dismissed the complaint after the preliminary hearing.

In any event, the failure of the lower court to grant a final hearing to appellants on the issue of the constitutionality of straight-party levers was harmless error which did not affect the substantial rights of the appellant under 28 U. S. C. 2111, 28 U. S. C. A. 2111. See also Fed. R. Civ. Pro. 61. Technically, the district court should have granted the appellees' motion to dismiss which was the procedure in *Voorhees v. Dempsey*, supra. In essence, the order dismissing the complaint granted appellees' motion to dismiss, and the failure of the district court to hold a final hearing did not affect any substantial rights of appellants on the issue here.

For the foregoing reasons, appellees request that the Court grant their motion to affirm.

Respectfully submitted,

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Appendix A.

The Following States Require Straight-Party Levers for All Parties:

Alabama—Code of Ala., Tit. 17, §97, 157.
Arizona—Ariz. Rev. Stat., Tit. 16, §344, 793A.
Arkansas—Ark. Stat. Ann., Tit. 3, §1203 (1969 Supp.).
Connecticut—Conn. Gen. Stat. Ann. §9-276, 277.
Delaware—15 Del. C. §4940, 4972, 4974.
Georgia—Ga. Code Ann., Tit. 34, §1103(b).
Illinois—Ill. S. H. Ann. Stats., Chap. 46, §17-11, §24-1, §24A-16.
Indiana—Burns' Ind. Stats. Ann. 29-5021, 5218.
Iowa—Iowa Code Ann. 49.91, 49.97.
Kentucky—Baldwin's Ky. Rev. Stats. Ann., Tit. X, §118.230(2).
Louisiana—West's La. Stats. Ann. Rev. Stats. 18:671, 18:1168(3).
Maine—21 Maine Rev. Stats. Ann. §922, 1038.
Michigan—Mich. Stats. Ann. §6.1706, 1775.
Missouri—Vernon's Ann. Mo. Stats. (supp.), §111.451, 111.311.
New Hampshire—N. H. Rev. Stats. Ann., §59.58.
New Mexico—N. M. Stat. (supp.), 3-9-3(b), 3-12-19(a).
North Carolina—Gen. Stat. N. C. (supp.), Chap. 163, §163-151(a).
Oklahoma—Okla. Stat. Ann. Tit. 26 (supp.), §274,371.
Pennsylvania—25 Purdon's P. Stat. Ann. 2910(b).
Rhode Island—R. I. Gen. Laws (1956 supp.), Tit. A, §19-15.
South Carolina—Code of Laws of S. C. (1962), §23-404, §23-409, 12 (1968 supp.).
Texas—Vernon's Ann. Civ. St. (supp.), Art. 6.06, 7.14(8).
Utah—Utah Code Ann. Tit. 20, 7-20, 7-21, 18-4.
Vermont—17 Vermont Stat. Ann. 1043, 1036.
West Virginia—W. V. Code, Chap. 3, 3-4-3(8), 3-6-5(a).
Wisconsin—Wis. Stats. Ann. 5.37(1), 5.64(1).